



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,810	08/28/2003	Ming-Shun Yang	BHT/3245-2	5996
7590 11/30/2005			EXAMINER	
BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041			WEAVER, SUE A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The proposed drawings were received on 10/14/05. These drawings are approved.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNabb in view of McGrath, Jr '793 and Huang '262, all of record.

McNabb teaches a cover with metal rings (20) in cover extensions which are spaced from the periphery. Note that the cover also has straps at the edge to secure to the vehicle and that the extensions may be secured in any well-known manner. To have provided the cover with adjustable belts having hook fasteners would have been obvious in view of the teaching by McGrath, Jr. To have further provided spaced tubular connectors to secure the rings to the cover in the manner though by Huang at Figures 1 and 8 would also have been obvious.

3. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Rudys et al, of record.

To have secured the cover to the vehicle with elastic on the periphery would have been obvious in view of Rudys et al at 63 and 76.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Birdsell, of record.

To have secured the hook strap with an adjustable buckle to adjust the length would have been obvious in view of Birdsell at 40.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Nishiyama, of record.

To have formed the hook belt fasteners as a plate with an upward extended hook and a through hole for the belt would have been obvious in view of such teaching by Nishiyama at 24.

6. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Sage, of record.

To have stored the cover in a flat storage bag with a shoulder strap would have been obvious in view of Sage teaching the use of such storage bag for vehicle covers.

7. Applicant's arguments, see page 8 of the amendment, filed 10/14/05, with respect to objection to the disclosure have been fully considered and are persuasive. The objection of the disclosure has been withdrawn.

Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Contrary to applicant's arguments both Huang and McNabb re considered to teach rings which are space from the periphery, Furthermore Huang teaches how to attach such rings. McGrath, Jr. teaches mans to secure the cover to the vehicle, while McNabb suggest other means may be used.

Claims 1-16 have been canceled.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____


Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents show other covers with rings.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is 571 272. The examiner can normally be reached on Tuesday to Friday from 6-4:30.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SUE A. WEAVER
PRIMARY EXAMINER
GROUP 3700